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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,425	03/30/2004	Fusamitsu Tsubata	62807-182	1272
7590 08/19/2005 MCDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			EXAMINER CRUZ, MAGDA	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,425

Applicant(s)

TSUBATA ET AL.

Examiner

Magda Cruz

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 10-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/30/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa et al.

Ogawa et al. (US Patent Number 6,247,817 B1) discloses:

- Regarding claim 1, a projection type image display apparatus (Figure 9, element 2000) comprising illumination means (Figure 9, element 10); a plurality of lenses (Figure 9, element 300) which guide illumination light coming from said illumination means (Figure 9, element 10); light bulb (Figure 9, element 101) which modulates the illumination light (Figure 9, element 202) guided through said plurality of lenses (Figure 9, element 300); projection lens (Figure 9, element 6) which projects the modulated light from said light bulb means (Figure 9, element 101); and a holding

member (Figure 11A, elements 763 and 764) which fixedly holds said plurality of lenses (Figure 11A, element 300); at least one of said plurality of lenses (i.e. elements 390 and/or 310, which are part of element 300, Figure 11A) being mounted to said holding member by means of an intermediate holding member including a spring portion having flexibility (Figure 11A, element 782, 783).

- Regarding claim 2, an intermediate holding member (Figure 11A, element 782, 783) is held to said holding member (Figure 11A, element 763, 764) in the state where said spring portion is bent (i.e. see shape of element 783, Figure 11A).
- Regarding claim 3, an intermediate holding member (Figure 11A, element 782, 783) and said holding member (Figure 11A, element 763, 764) each include planes (e.g. see base wall of element 763, Figure 11A); and said intermediate holding member (Figure 11A, element 782, 783) is held to said holding member (Figure 11A, element 763, 764) by reaction force of said spring portion in the state where said spring portion is bent and at least part of each of said planes is brought into contact with said spring portion (column 21, lines 60-66).
- Regarding claim 4, said intermediate holding member (Figure 11A, element 763, 764) includes a plurality of planes (e.g. see base wall of element 763, Figure 11A); and said plurality of planes is brought into contact with said holding member (Figure 11A, element 782, 783) in the

state where said spring portion is bent (i.e. see shape of element 783, Figure 11A), so that a component of reaction force of said spring portion acts on said plurality of planes to thereby hold said intermediate holding member to said holding member (column 21, lines 60-66).

- Regarding claim 7, an intermediate holding member is adhesively fixed to said holding member (e.g. element 783 is attached to element 763; see Figure 11A).
- Regarding claim 8, one lens is a focus lens (column 17, lines 22-23).
- Regarding claim 9, one lens is a multi-lens (column 17, lines 23-25).

Allowable Subject Matter

4. Claims 5-6, 10, 14 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

a. Regarding claims 5, 10 and 18, the prior art does not disclose or suggest an intermediate holding member made of heat-melting high-molecule material.

Claims 11-13 depend on claim 10 and claims 19-20 depend on claim 18.

b. Regarding claims 6 and 14, the prior art does not disclose or suggest part of an intermediate holding member made of heat-melting high-molecule material

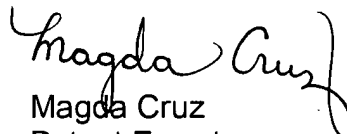
and a lens is fixed to said intermediate holding member by thermal welding of said heat-melting high-molecule material. Claims 15-17 depend on claim 14.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (571) 272-2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Magda Cruz
Patent Examiner
Art Unit 2851

August 17, 2005